

**Idaho Board of Health and Welfare  
Minutes  
December 6, 2006**

The Board of Health and Welfare convened at:

Pete T. Cenarrusa  
450 W. State Street, 10<sup>th</sup> Floor  
Boise, Idaho

**CALL TO ORDER**

Chairman Kenyon called the meeting to order at 2:00 pm.

**ROLL CALL**

Richard M. Armstrong, Secretary, called the roll. Members were asked to also affirm whether they had received the memo from Jeanne Goodenough, Deputy Attorney General, in regards to the petition from the Idaho Hospital Association.

**Board Members Present:**

Quane Kenyon, Chairman  
Dr. Richard Roberge  
Richard M. Armstrong  
Stephen Weeg (via conference call)  
Janet Penfold (via conference call)  
Don Gross (via conference call)  
Sara Nye (via conference call)  
Senator Dick Compton (via conference call)  
Representative Sharon Block (via conference call)  
Commissioner Tom Stroschein (via conference call)

**Board Members Absent:**

Dan Fuchs

**Department of Health and Welfare Staff Present:**

Dave Butler, Deputy Director  
Dick Schultz, Deputy Director  
Bill Walker, Deputy Director  
Jeanne Goodenough, Deputy Attorney General  
Lauren Laskarris, Management Services  
Tom Shanahan, Public Information

**Others Present:**

Ellen Bencken, R.N., OSCI	Bob Seehusen, IMA
William Scifres	Beth Toal, St. Luke's
Steve Farro, IASCA	Michael Long, TVH
David Willman	Jeff Hessing, M.D., TVH
Roger Seiber, Capitol West Policy Group	Bob Huntley
Jerry Deckard, Capitol West Policy Group	Roger Gehrke
Steve Millard, IHA	Kris Ellis, Benton, Ellis and Associates
Craig Carter, Scott Peyron & Associates,	Skip Smyser, IASCA
DL Oakes, IHA	Ken McClure, IMA
Jarred Blankenship, TVH	David Kirk, IO
Kirk Miller, M.D., IO	Larry Benton, Coalition of Sp. Hospitals
Erik Heggland, IO	Alicia Wittmeyer, Associated Press

**AGENDA ITEM #1:      BOARD DISCUSSION AND DECISION: TEMPORARY MORATORIUM ON THE  
LICENSING AND CERTIFICATION OF NEW INPATIENT HOSPITAL BEDS**

Chairman Kenyon opened the meeting by stating the Board was convened to discuss and make a decision on the petition submitted by Steve Millard, President, Idaho Hospital Association (IHA), at the November 17, 2006, Board meeting. Mr. Kenyon also restated that since public testimony was taken at the November 16-17, 2006, meeting, no public testimony would be taken at this meeting.

Discussion ensued. Board Members asked for clarification of what was being asked in the petition. Board members discussed whether or not the proposed rule meets the criterion for a temporary rule. According to Section 67-5226(1), Idaho Code, temporary rules can be adopted and take effect before legislative review if the Governor [through the Division of Financial Management] finds that one of three criteria are satisfied, for:

- (a) protection of the public health, safety, or welfare; or
- (b) compliance with deadlines in amendments to governing law or federal programs; or
- (c) conferring a benefit.

Board Members then discussed whether or not the approval or disapproval of the petition would cause portions of hospitals to close. Board members also discussed the time frame in which the issue would be heard by the Legislature.

**Motion:** Senator Compton moved that the Idaho Board of Health and Welfare deny the petition for rulemaking filed by the Idaho Hospital Association on November 17, 2006, on the basis that the proposed rule does not qualify as a temporary rule and the Board does not have authority to suspend the processing of hospital applications for licensure and certification as requested.

**Second:** Janet Penfold

**Discussion on The Motion:** Stephen Weeg stated that one of his concerns is that there are some fundamental economic structural issues in healthcare that are more problematic and may be driving some of this. If the Board decides to deny or approve of the temporary rule, could the Board also recommend or urge the Legislature and relevant parties to look at this whole issue in depth.

**Roll Call Vote:**

Mr. Fuchs – Absent  
Dr. Roberge – Nay  
Mr. Gross – Aye  
Mr. Stroschein – Aye  
Ms. Penfold – Aye  
Mr. Weeg – Aye  
Mr. Kenyon – Aye  
Rep. Block – Aye  
Sen. Compton – Aye

Motion carried.

**Motion:** Steven Weeg moved that the Idaho Board of Health and Welfare encourage the Idaho Governor and 2007 Legislature to convene with key stakeholders to research and develop

solutions for future delivery of healthcare that will benefit all Idahoans and the healthcare industry.

**Second:** Dr. Roberge

**Discussion on** Board Members discussed the various aspects involved in this motion and other  
**The Motion:** ways the Board could address this motion.

**Roll Call Vote:**

Mr. Fuchs – Absent  
Dr. Roberge – Aye  
Com. Stroschein – Aye  
Mr. Weeg – Aye  
Mr. Kenyon – Nay  
Rep. Block – Nay  
Sen. Compton – Nay  
Mr. Gross – Nay  
Ms. Penfold – Nay

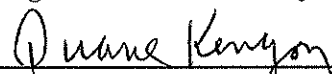
Motion failed.


**AGENDA ITEM #2: ADJOURNMENT:**

**Motion:** Chairman Kenyon moved to adjourn the meeting at 2:30 pm .

**Vote:** Motion carried. 8 Ayes                      0 Nays                      1 Absent (Fuchs)

**Respectfully signed and submitted by:**

  
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Quane Kenyon, Chairman, Health and Welfare Board

  
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Richard M. Armstrong, Secretary, Health and Welfare Board

  
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Lauren Laskarris, Management Analyst and Recorder

*for*